

REMARKS

Claims 1-25 are pending in the above-referenced application. By way of this amendment Claims 1, 5, 13-14, and 16 have been amended, claims 2, 8-12, 19-20, 22, and 25 have been cancelled and claims 26-28 have been added to this application. Claim 1 has been amended to include the limitation of Claim 2, and Claim 2 has been cancelled. Claim 16 has been amended to depend from Claim 1 since Claim 2 has been cancelled. No new matter has been added.

New Claim 26 is a combination of the limitations of Claim 1 and Claim 22, now cancelled. New Claim 27 is a combination of the limitations of Claim 1 and Claim 24, now cancelled. Finally, new Claim 28 is a combination of the limitations in claim 1 and claim 25, now cancelled. No new matter has been added.

The Applicants would like to thank the Examiner for indicating that Claims 2, 22, 24 and 25 contain allowable subject matter and would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By way of this amendment, the Applicants have amended Claims 1 to include the limitation from allowable Claim 2. Accordingly, Claims 3-6, 13-19 23 and 24 depend either directly or indirectly from Claim 1, as amended, and therefore include all of the limitations of Claims 1 and 2. Since the Examiner has already indicated that the combination of Claims 1 and 2 would be allowed if rewritten into independent form, and since Claim 1 has been amended to include all of the limitations of Claim 2, the Claims depending from Claim 1 must also be found to be allowable.

Similarly, since new Claim 26 is a combination of the limitations of Claim 1 and Claim 22; new Claim 27 is a combination of the limitations of Claim 1 and Claim 24; and

new Claim 28 is a combination of the limitations in Claim 1 and claim 25, all of which have been indicated by the Examiner to contain allowable subject matter, it is respectfully asserted that these Claims are now in condition for allowance. No new matter has been added.

In the Office Action Claims 1, 4, 5, 9, 12, 14 and 21 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bilder et al. (US 5,534, 289). However, as stated above, Claim 1 has been amended to include all of the limitations of Claim 2, which has been found to contain allowable subject matter. Therefore, it is respectfully requested that the rejection of Claims 1, 4, 5, 14 and 21, which depend either directly or indirectly from Claim 1, as amended, be reconsidered and withdrawn. Claims 9, and 12 have been cancelled and therefore the rejection of these Claims is now moot.

In the Office Action, Claims 1, 4-6, 9, 12, 14-16, 18, 20 and 23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Crites et al. (US 3,803,485). However, as stated above, Claim 1 has been amended to include all of the limitations of Claim 2, which has been found to contain allowable subject matter. Therefore, it is respectfully requested that the rejection of Claims 1, 4-6, 10, 14-16, 18 and 23, which depend either directly or indirectly from claim 1, as amended, be reconsidered and withdrawn. Claims 9, 12 and 20 have been cancelled and therefore the rejection of these Claims is now moot.

In the Office Action Claims 1,3-5, 7-14, and 16-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bilder et al in view of Otsuka (US 4,624,709). However, as stated above, Claim 1 has been amended to include all of the limitations of Claim 2, which has been found to contain allowable subject matter.

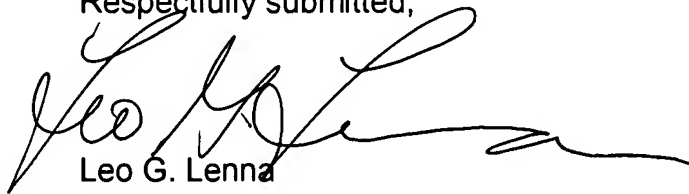
Therefore, it is respectfully requested that the rejection of Claims 1, 3-5, 13-14, and 16-19, which depend either directly or indirectly from claim 1, as amended, be reconsidered and withdrawn. Claims 8-12 and 20 have been cancelled and therefore the rejection of these Claims is now moot.

As for claim 7, neither Bilder et al nor Otsuka teach or suggest using microcapsules that contain, as a principal component, a nigrosine compound and a solvent in the weight ratio of the nigrosine compound to the solvent in the range of 1:55 to 1:0:37. Since this specific weight ratio is neither taught nor suggested by these references, it is respectfully requested that the rejection of Claim 7 over Bilder et al in view of Otsuka under 35 U.S.C. 103(a) be reconsidered and withdrawn.

Finally in the Office Action, Claims 1, and 3-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Crites et al in view of Otsuka. Since Claim 1 has been amended to include the language of Claims 2, which has been deemed to contain allowable subject matter, it is respectfully requested that the rejection of Claims 1, 3-6, 13-19 that depend either directly or indirectly from Claim 1, as amended, be reconsidered and withdrawn.

The Applicants reserve the right to prosecute cancelled subject matter in a later filed continuation or continuation-in-part application. In view of the foregoing remarks, entry of all amendments and allowance of all Claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leo G. Lenna', written over the typed name.

Leo G. Lenna
Reg. No. 42,796
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484